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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,387	12/01/2003	John W. Rohan-Weaver	ROHAN-WEAVER Pure Swing	9659
7590	07/28/2004		EXAMINER	
Julian C. Renfro, Esquire P.O. Box 2601 Winter Park, FL 32790-2601			LEGESSE, NINI F	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,387

Applicant(s)

ROHAN-WEAVER, JOHN W.

Examiner

Nini F. Legesse

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the expression "said generally U-shaped portion is smoothly curved, without significant localized bends" as stated in lines 2-4 of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Schneller (US Patent No. 5,127,650).

Schneller discloses a golf putter comprising:

- **With respect to claims 1 and 5**, a rigid material configured to have a shaft (12), upon one end of which shaft, a club head (14) is mounted, a handle portion (53) affixed to said shaft (12) a spaced distance away from said club head, said handle portion (53) adapted to be grasped by the golfer so that the golfer can swing said trainer in the general manner of a golf club, said shaft (12) extending past said handle portion in a direction away from said club head and forming an upstanding curved portion/U-shaped portion (see item 52 in Figs. 5-8), said upstanding curved portion being substantially contained in a plane residing at an angle to the centerline of said shaft (please refer to marked up drawing of Fig. 7 below), so that when the golfer is grasping said handle portion, a part of said upstanding curved portion may rest against the leading forearm of the golfer, or

reside directly above the leading forearm so that proper wrist action will be assured (depending how the device is grasped, the curved portion is capable of performing this intended use).

- **With respect to claims 2, 6 and 13**, the upstanding curved portion/U-shaped portion has several different sectors (see the top handle area of Fig. 5), with one of said sectors adapted to contact the golfer's leading forearm at one part of the golfer's swing, and another of said sectors contacting the leading forearm at another part of the golfer's swing (depending how the device is grasped, the curved portion is capable of performing this intended use).
- **With respect to claims 3, 7 and 14**, the upstanding curved portion/U-shaped portion is made up of four separate sectors (see the marked up Figure provided below).
- **With respect to claims 4 and 8**, the sectors are separated by bends of pre-established angles, created in said upstanding curved portion/U-shaped portion (see Fig. 5).
- **With respect to claim 9**, the generally U-shaped portion is smoothly curved, without significant localized bends (since Applicant considers his U-shaped portion of the device as shown on his Fig. 2 is to be smoothly curved without significant localized bends, Schneller's device as shown on Fig. 5 is considered to meet this limitation as well).
- **With respect to claim 11**, said club head has a leading edge, with said leading edge residing at a pre-established angle to one of the sectors of said generally

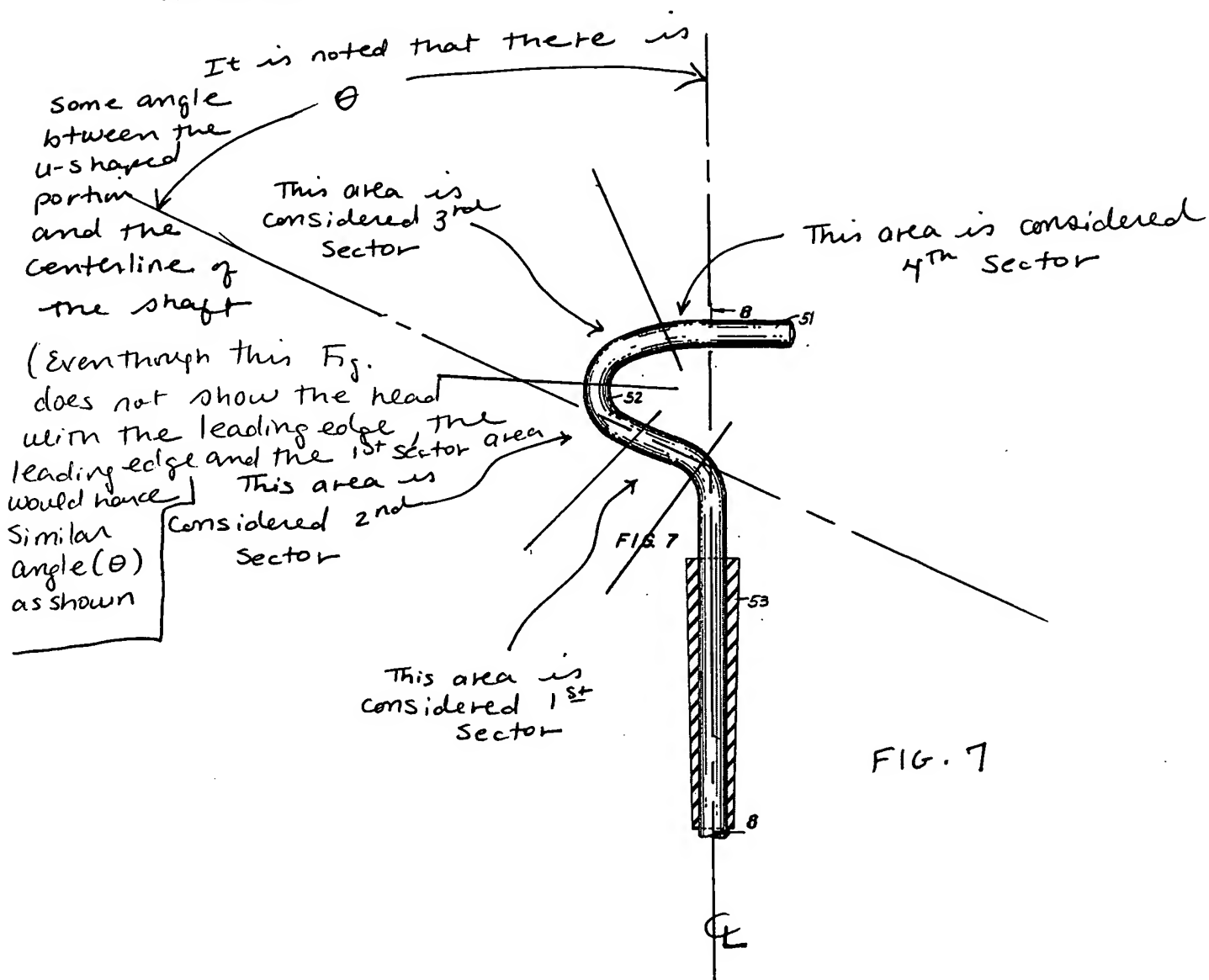
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U-shaped member (as shown on Fig. 5 the leading edge of the club head has an angle to the sector of the U-shaped member that is shown as bending behind the club head face).

- **With respect to claim 12**, see the above rejections for claims 1 and 5. In addition, Schneller's device is capable of being grasped with both hands of the golfer.
- **With respect to claim 16**, the shaft as well as said U-shaped portions is formed from a single piece of rigid material (see Figs. 7 and 8).
- **With respect to claim 17**, it should be noted that this claim is a product by process claim. Since Applicant is claiming a product, the claim does not further limit the product. In addition it is noted that in the Scheller's reference that the U-shaped element 52 can be made rotatable inside the lower grip 53 (see column 4, lines 55-61) and this indicates that the device components could be separately formed.

In order to clarify the Examiner's broad interpretation of the claims that are rejected by the Schneller (US Patent No. 5,127,650) reference, mark up drawing of Fig. 7 of this reference is presented below.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneller.

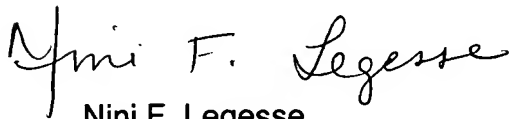
Schneller discloses the invention as recited above but does not clearly show an angle range of 15 degrees and 35 degrees between the club head's leading edge and one of the sectors of the U-shaped member. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide an angle range of 15-35 degrees because Applicant has not disclosed that having this angle range provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, further more, would have expected Applicant's invention to perform equally with the angle that is provided in the Schneller's reference. Furthermore, from pages 17-18 of the Applicant's specification, it appears that the claimed angle range of 15-35 degrees is just a preference because Applicant has not discussed the criticality for the claimed angle range in his specification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vidovich Greg can be reached on (703) 308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nini F. Legesse
07/16/04